

President's Advisory Commission on Educational Excellence for Hispanic Americans



Testing Hispanic Students in the United States: Technical and Policy Issues

Executive Summary





**PRESIDENT'S ADVISORY COMMISSION
ON EDUCATIONAL EXCELLENCE
FOR HISPANIC AMERICANS**

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There is no more promising reform in public education today than the standards-based movement. It is not only the most widely accepted school change process, it also offers the greatest probability for leveling the playing field for all children, by clearly stating expectations for instruction, assessing the progress of each child toward achieving the standards, and holding schools accountable for student learning. Where these three core elements of a standards-based system—clear expectations, assessment and accountability—are in place, students experience success as never before. This is especially true for the growing Hispanic student population in the United States, which has traditionally had limited access to rigorous mainstream instruction.

But in the current rush to implement world-class standards supported by systems of accountability in the nation's public schools, state education leaders have compromised the educational future of Hispanic students by making high-stakes decisions based on inaccurate and inadequate testing information. Hundreds of thousands of Hispanic students, many lacking functional fluency in English, are assessed with a myriad of tests entirely in English and, oftentimes, only in English. The resulting data is used to determine high-stakes decisions, such as for student promotion or retention, or high school graduation—but rarely for the purposes of true accountability. When it comes to holding schools accountable for the academic achievement of our students, states allow Hispanic youngsters to become invisible inside the very system charged with educating them.

State policies often require that Hispanic students be assessed in English with tests they may not even understand or with alternative but less rigorous tests in Spanish whether or not they are receiving instruction in that language. While neither approach produces accurate information about student learning, the resulting data is often used to hold students accountable for their own success, rather than the educators or the public school systems.

Who should be responsible for what Hispanic students learn in school? The answer is simple: students, educators, and parents all must share the responsibility.

But what kinds of assessments should be used to provide accurate information about what students have been taught? Regrettably, the answer to this question is not as simple. It is explored in this document.

With few exceptions, students bear the weight of academic success or failure on the basis of one or two test scores. Where exemptions from testing exist, Hispanics disappear from the accountability reports, triggering both positive and negative consequences for the responsible adults in the system. Thus more than two million Hispanic students in the United States are underrepresented or absent from the rolls of students who are counted via assessment and who, therefore, count.

It is our belief that Hispanic students, whether they are English dominant or English Language Learners, should be tested with appropriate test instruments in order to be included at all times in the states' accountability systems. If this does not occur, Hispanic children will not benefit from the powerful and promising standards movement. As the United States enters the new millennium, deliberate action by policymakers at every level must be taken to include the country's fastest growing and soon-to-be largest minority, within the bounds of systems accountability using accurate information for decisionmaking.

The purpose of this report is twofold: (1) to bring attention to the growing crisis of the "invisible" Hispanic students in public education to the nation's leaders and (2) to provide guidance to the nation and the states on

taking the necessary steps to rectify the conditions that allow Hispanic students to be wrongly measured and unaccounted for in their own schools. It is our intent to help education leaders in this country choose wisely for the sake of the children.

Commission Assessment Committee—President's Advisory Commission on Educational Excellence For Hispanic Americans

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EXECUTIVE SUMMARY

The testing of Hispanic children has not made much progress in the 20th century. The areas where there has been quite a bit of progress is in the empirical documentation of the impact of bilingualism on test scores and on the development of policies and caveats associated with the testing of Hispanic individuals. However, there has not been much progress in test development and technology in any area of testing with respect to these students.

On the basis of what has been reviewed, seven options appear to exist concerning the measurement of Hispanic students' abilities, achievements, personality, and occupational interests: 1) tests can be administered in English using what are basically monocultural norms, 2) testers can be given "cultural training" so that they can interpret the tests in ways that appear to be more valid, 3) accommodations in the tests and the testing situation can be provided, 4) a moratorium on the use of individual test scores for any high-stakes assessment can be put in place until research sorts out the complex issues associated with testing Hispanic students, 5) tests can be used for holding systems legally and politically accountable for the educational decisions that adversely impact Hispanic students as manifested in differential, negative outcomes, 6) Hispanic-specific local norms can be developed in order to compare students with similar cultural, linguistic, and scholastic experiences, and 7) school systems and opportunities to learn are made equitable for Hispanic children across the United States, thereby meeting the crucial assumption of tests about experiential homogeneity. At present, only the first three are viable and in use. None of these three, however, can demonstrate that they are free of significant degrees of bias, unfairness, or denial of substantive due process.

The fourth option has been suggested (Valdés & Figueroa, 1994) but has received virtually no support. The fifth option has not really been tried in the last decade, but it remains a plausible response to political attacks, such as California's propositions 227 and 209, that are already inflicting harm and damage on Hispanic children and that can be documented by the tests' ability to measure contextual effects. In Kern County in California, for example, the school board has decreed that Hispanic children must learn English in three months and then receive their education in English. The impact of this decision will become manifest in the tests administered in English.

The sixth option may well be the most immediately relevant for both test developers and the Hispanic communities in the United States. But there is a great deal of opposition from both political and professional interests. Ethnic/linguistic norms will provide comparisons among children with generally homogeneous experiences and background in local communities. But, they arouse suspicions about a "divided" society. They may also be seen as sources of reverse discrimination. In employment testing, the courts and Congress have refused to accept group-specific norming precisely because of issues related to reverse discrimination (Sireci & Geisinger, 1998). Ironically, the intellectual community has not been so reluctant. The National Academy of Sciences recommended this as a solution to the bias that results from employment tests among job applicants with differential opportunities-to-learn (Hartigan & Wigdor, 1989). Education, however, has always occupied a different status with the courts. This may also apply with regard to testing in educational contexts. The issue of group norms in all aspects of schooling should be studied and debated. Certainly, the 1999 *Standards for Educational and Psychological Testing* may already have sided with this option. There are clear mandates there that validity needs to be grounded within linguistic groups when research indicates that test scores are affected by language background (Comment for Standard 9.2).

The seventh is the best option; but if history is any indicator, it is the one most likely to take multi-generations to accomplish. It is also the option that best explains why tests are such a failure for Hispanic communities. The primary problem with tests is not the tests. It is the educational context in which they are developed, used, and studied. The historical and contemporary data have clearly documented that, in the United States, public education has not worked for Hispanic children. Tests help and perpetuate much of the dysfunction that Hispanic children get in schools.

The one positive conclusion that can be drawn from the review presented in this document is that the testing community is finally beginning to realize that the problems with testing Hispanic students are far more complex than ever imagined and that they are potentially irremediable in the *status quo* (Heller, Holtzman, & Messick, 1982; American Educational Research Association, et al., 1985, 1999; Pellegrino, Jones, & Mitchell, 1999; August & Hakuta, 1997; Sandoval et al., 1998; Heubert & Hauser, 1999). The solution to the problems engendered and embodied in tests resides in changing the educational experiences of Hispanic children.

A compelling example of what this may entail was described by García and Otheguy (1995). They set out to answer four research questions in an ethnographic study of "seven private, but low-tuition, non-elite schools in Dade County, Florida." They were "run by and for Cubans." The parents of the children were predominantly from working class and middle class income levels. They were, in effect, similar to families of Hispanic children in urban school districts. The four research questions were typically those that preoccupy educational researchers about bilingual children in U.S. public schools: Should Spanish be used? How is language dominance measured and used? When do you use English? In which language is reading taught? The authors were unable to answer these research questions. The following are the reasons for this failure.

When majority educators look at the education of Hispanic children in the United States, they focus on their linguistic deficits....Discussions about the education of these children begin and end with the issue of the English language, or how they lack it, and how best to give it to them.....However, when Hispanic parents and educators in control of the education of their own children think about the educational process, they ask different questions. They ask questions about the way to educate their children, about pedagogy, instructional strategies and teaching methods, about curriculum and materials. We asked them about language, they told us about education..... Spanish naturally belongs in ethnic schools that are controlled, staffed and run by the Hispanic community, so there is no need to question its role in public education.....

Those of us in public education need to learn from these educators that substantive high expectations do matter; that bilingualism and biliteracy are obtainable if one holds both children and teachers unequivocally responsible for obtaining them; that initial literacy in two languages is possible and doesn't have to be limited to Spanish; that advanced literacy in two languages is possible and doesn't have to be limited to English; that in U.S. society all children acquire English naturally and that therefore English acquisition should not be the main focus of education; that parents and community do matter for education; that when they are in control....the results are ultimately superior; that the context of a child's home culture is essential.; and that continuity with the intellectual and social climate of the home is of paramount importance if the school is to help children develop and foster their intellectual and social growth. (García and Otheguy, 1995, pg. 99-100)

The public education of Hispanic children needs to focus on education. It needs to be reformed pre-eminently in terms of local control. Until such time as when the U.S. educational system is locally and proportionally controlled by Hispanic communities and until it achieves a modicum of equity in how it distributes resources, cultural capital, and the application of "high standards" across all school districts, tests and test scores will continue to show massive technical problems of bias, differential treatments and differential outcomes. They will continue to impede the future of Hispanic communities. Tests will "work" when the public education of Hispanic children becomes democratic and effective.

RECOMMENDATIONS

1. The U.S. Department of Education's Office for Civil Rights should undertake a legal analysis of test usage with Hispanic students and individuals, focusing on the dysjuncture that exists between what the *Standards for Educational and Psychological Testing* prescribe and what test users (individual testers, school district testing programs, state testing programs) actually do. Particular attention should be focused on the testing of bilingual individuals.
2. The U.S. Department of Education's Office for Civil Rights needs to determine whether the "disparate treatment" legal analysis under Title VI and Title IX statutes applies to the historical experience of many, if not most, Hispanic students with tests and testing. A compelling, empirical argument can be made that they are tested under different conditions: they are tested with monolingual norms when most of them have varying levels of bilingual status, all of which have left an indelible, if not unerasable, mark on all tests that use English as the main vehicle for eliciting responses; and, their scores show evidence of attenuated predictive validity related directly to their varying levels of exposure to Spanish.
3. Excessive testing should be discouraged. There is a widespread belief that with students for whom current testing technology may not be appropriate, the thing to do is to test them more using many different tests. There is no evidence to support this approach. There are, however, data suggesting that excessive testing does not improve diagnostic decisions (Mehan, Hertweck, & Meihls, 1986), but, rather, that it may negatively affect children (Taylor, 1991).
4. The U.S. Department of Education's Office for Civil Rights needs to determine whether the "disparate impact" legal analysis under Title VI and Title IX statutes applies to the comprehensive and chronic pattern of Hispanic students' underrepresentation in Gifted and Talented programs, their overrepresentation in programs for students with disabilities, and their miniscule presence in institutions of higher learning in the United States. There is, in effect, a clear *pattern* of a disparate impact from testing practices across a wide array of tests used in multiple educational contexts. There is also compelling evidence that there is bias in prediction and that this differentially constricts tests' educational purposes when used with most Hispanic students.
5. Translated tests should not be used. There is very little likelihood that the new translated test will have the same technical properties as the original, and there is a substantial likelihood that the translated test will not work. The practice of translating tests and of using their scores for making decisions about individuals should stop.
6. A clear distinction, if not separation, needs to be drawn between the issues that are significant in meeting the challenges of a disability with those involved in the education of children with two linguistic systems. Recent publications on "diversity" and "test accommodations" are linking the issues relevant to English language learners with those that are meaningful for students with disabilities. One of the great historical mistakes in American education has been the tendency to perceive bilingualism as a handicap. For example, special education is dedicated to diminishing the impact of a disability. The education of English learners should not be guided by the diminution of an asset such as bilingualism.
7. Tests that purport to have equivalent test versions in English and Spanish need to show empirical evidence that, in fact, there is equivalence. Similarly, research is urgently needed on whether bilingual, Hispanic children in the United States can be validly and fairly compared on Spanish/English tests that relied on monolingual samples to generate monolingual norms in English and Spanish.
8. The use of interpreters should be discouraged, if not proscribed. Interpreters are basically poor substitutes for what should be provided to Hispanic students: culturally knowledgeable, linguistically competent testers from their own communities. As currently envisioned in the 1999 *Standards for Educational and Psychological Testing*, interpreters can be trained and used in testing situations. New data on this practice, however, suggest that the use of interpreters may somewhat destroy comprehensive standardization. Further, in special education, the use of interpreters may lead to invalid inferences and conclusions. The failure to recruit, train and graduate Hispanics in the testing professions cannot be ameliorated by the use of interpreters. This is a practice that may really be a malpractice.
9. It is recommended that the Standards in Chapter 9 for "Testing Individuals of Diverse Linguistic Backgrounds" be analyzed by experts in second-language acquisition, language proficiency testing, and bilingual assessment in order to examine the ambiguities and the assumptions of that chapter. The 1999 *Standards for Educational and Psychological Testing* are problematic in the areas of language proficiency testing and the use of testing accommodations with bilingual subjects.

10. The impact of Hispanic culture and Spanish language proficiency levels on the predictive, consequential, and/or instructional validity indices of tests should be determined. There is empirical evidence that tests used with Hispanic students show evidence of bias. Comprehensive, longitudinal investigations on this question should be commissioned.
11. The U. S. Department of Education's Office for Civil Rights should conduct an analysis of testing practices with Hispanic students throughout the states and by the National Assessment for Educational Progress to determine whether some or all of these do not meet the legal criteria of discrimination under Title VI and Title IX.
12. The research agenda on assessment proposed by the National Research Council's Committee on Developing a Research Agenda on the Education of Limited-English-Proficient and Bilingual Students in its report *Improving Schooling for Language-Minority Children* (August & Hakuta, 1997) should be endorsed and funded.
13. The recommendations of the National Research Council on testing English language learners on NAEP should be adopted, funded and applied. They should also be broadened to include Hispanic children from all the major ethnic cultural backgrounds. The issues related to cultural factors in achievement testing (such as acculturation, the measurement of acculturation, the use of acculturation levels) should be investigated. It is time for a comprehensive set of action plans to make large-scale, educational accountability systems, such as NAEP, relevant and useful for the educational present and future of Hispanic children.
14. There is an urgent need to determine the diagnostic validity of Spanish language tests normed on monolingual populations and used for diagnostic purposes with U.S. bilingual populations. Diagnostic tests should not be administered to Hispanic students or they should be relegated to a lower status in the decision-making process for special education, or gifted and talented education. Alternatives to the typical battery of diagnostic tests exist, all the way from placing a child in an enriched treatment situation to "diagnosing" their work products.
15. As is the case with most tests used in the United States, new personality tests specifically made appropriate for the Hispanic population's bilingual, multicultural status are needed. There is very little actual research on how to do diagnostic personality work with Hispanic children and youth.
16. It is recommended that research in occupational interest tests be significantly and quickly increased. Given the widespread use of occupational interest tests with elementary and high school students, as well as their possible role in tracking students in academic programs, the lack of research on the use and impact of these measurement instruments on Hispanic children and youth is a major knowledge gap.
17. Extended analyses and debate need to be conducted on whether Hispanic students' test scores should be interpreted primarily within a school district's "normative framework." That is to say, should national or statewide comparisons that are used to determine an individual's eligibility for promotion, graduation, or admission to higher education continue to be made given the current knowledge base on testing Hispanic students? This does not preclude the use of tests to measure the performance of school systems (schools, districts) to determine how well or how poorly they are working. Clearly, however, in those school districts where there is no equality in educational programs and opportunities for Hispanic students, the question of what constitutes a fair, normative comparison needs to be answered.
18. It should be made clear that the starting point for the reform of unfair testing of Hispanic students is not the tests; It is the instructional context. Until there is some semblance in equity of standards, curricula, pedagogy and resources throughout schools, school districts and states, tests will continue to reify the inequality of educational opportunities in the country. Tests will continue to blame the Hispanic student for low scores and will continue to deny him or her promotion, eligibility and opportunity.

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By the Authority vested in me as President by the Constitution and the laws of the United States of America, and in order to advance the development of human potential, to strengthen the Nation's capacity to provide high-quality education, and to increase the opportunities for Hispanic Americans to participate in and benefit from Federal education programs, it is hereby ordered..."

Executive Order 12900

President Clinton, February 22, 1994

Recognizing the importance of increasing the level of educational attainment for Hispanic Americans, President Clinton established the White House Initiative on Educational Excellence for Hispanic Americans through Executive Order 12900 in September 1994. Guiding the White House Initiative is the President's Advisory Commission on Educational Excellence for Hispanic Americans, whose responsibility is to advise the president, the secretary of education and the nation on the most pressing educational needs of Hispanic Americans. The White House Initiative also provides the connection between the Commission, the White House, the federal government and the Latino community throughout the nation.

Current White House Initiative activities include initiating policy seminars, developing issue briefs, factsheets and information kits on the condition of Latinos in education, facilitating community outreach, increasing understanding and awareness of Hispanic-Serving Institutions (HSIs), and coordinating high-level efforts across the national government to improve education for Hispanics. These activities are driven by the president's request to assess:

- Hispanic educational attainment from pre-K through graduate and professional school;
- State, private sector, and community involvement in education;
- The extent to which federal activities in education complement existing efforts to increase education opportunities; and
- Hispanic federal employment and federal recruitment strategies.

Accelerating the educational success of Hispanic Americans is among the most important keys to America's continued success. Please join us in ensuring educational excellence for all Americans.

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